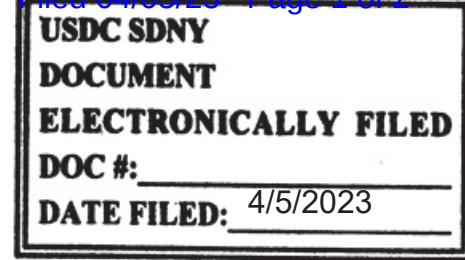


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April 4, 2023

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BY ECF FILING

Honorable Robert W. Lehrburger
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1960
New York, New York 10007

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Re: *Covet & Mane, LLC v. Invisible Bead Extensions, LLC*,
S.D.N.Y. Civil Action No. 1:21-cv-07740 (JPC)(RWL)

Dear Judge Lehrburger:

We represent Plaintiff Covet & Mane, LLC (“Plaintiff” or “Covet & Mane”) in the above-referenced action. On March 23, 2023, the Court issued an Order and Decision, and Report and Recommendation to Hon. John P. Cronan: Motion to Amend. *See* ECF Doc. No. 175. As set forth therein, the parties were ordered to: “[w]ithin 14 days of entry of this Order and Report and Recommendation, the parties shall meet and confer and file a joint proposed schedule for completing fact and expert discovery,” which is by this Thursday, April 6, 2023. *Id.* at p. 42.

Unfortunately, I was hospitalized last week and underwent an emergency surgical procedure over the weekend from which I am still recovering. Mr. Ross, who has been travelling for business for the past three weeks, advised counsel for Defendants of this development and stated that I would be in touch with them regarding discovery as soon as I was physically able to do so. I contacted Defendants’ counsel today and asked whether they were available to meet and confer tomorrow at anytime except for 4:00PM to 5:00PM about the proposed schedule. They have refused to do so, citing the possibility that local counsel may be unavailable tomorrow due to the fact that eleven days have passed since the Order was entered, as well as the fact that Passover starts tomorrow at 7:30PM. Instead, Defendants have demanded that Plaintiff write the Court and request additional time to meet and confer.

Respectfully, we refuse to do so. The Court ordered the parties to meet and confer and submit a proposed joint scheduling order by Thursday. There is no need for an extension of this date; Defendants have simply refused to comply with the Court’s Order. Accordingly, we request that the Court so-order the following schedule proposed by Plaintiff for discovery:

Hon. Robert W. Lehrburger, U.S.M.J.

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- Remaining fact discovery to be completed by June 9, 2023;
- Depositions to be completed by June 9, 2023;
- Additional requests to admit be served by May 24, 2023;
- Expert discovery, including expert depositions, to be completed by September 15, 2023;
- Plaintiff's expert disclosures to be made on or before July 15, 2023, rebuttal on August 26, 2023;
- Defendants' expert disclosures to be made on or before July 15, 2023, rebuttal on August 26, 2023;
- All discovery to be completed by September 25, 2023.

We greatly appreciate the Court's consideration of this request.

Very truly yours,



Laura-Michelle Horgan

cc: Joel G. McMull, Esq. (jmacmull@lawfirm.ms)
Counsel for Defendant

Robert D. Spendlove, Esq. (spendlove@gbsip.com)
Counsel for Defendant

James Spendlove, Esq. (james@gbsip.com)
Counsel for Defendant

Application denied. The Court fully understands that Plaintiff's medical emergency would be a reason why counsel did not contact defense counsel at an earlier date. But Plaintiff's counsel cannot seriously seek to take advantage of that situation by faulting defense counsel for not being able to commit to being able to meet and confer within 24 hours (including on a religious holiday to boot). The parties' time to meet and confer and jointly submit a proposed schedule is extended until Tuesday April 11, 2023. Defendant's request at Dkt. 182 to censure Plaintiff's counsel is denied.

SO ORDERED:

4/5/2023



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE